

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HIGH TECH REPUBLIC, INC. d/b/a
WEBINOPOLY

Plaintiff,

v.

SHOPIFY INC.; SHOPIFY COMMERCE
SINGAPORE PTE. LTD.; and SHOPIFY
INT. LTD.,

Defendants.

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Civil Action No. 4:23-CV-03348

DECLARATION OF NICHOLAS E. PETREE

Nicholas E. Petree, an attorney admitted to practice before this Court, submits this Declaration in support of Defendants' Response to Plaintiff's Notice of Entry of Default, and pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am an attorney at Ajamie LLP and one of the counsel for the Defendants named in the above-referenced cause.
2. Counsel for Defendants, Eric Chenoweth, sent an email to Plaintiff's counsel on January 9, 2024. A true and correct copy of the aforementioned email is attached hereto as Exhibit A-1. Plaintiff's counsel has not responded to such email or otherwise contacted Defendants' counsel.
3. When Plaintiff filed Docket Entry No. 10 in this matter on January 17, 2024, attorney John S. "Jack" Edwards, Jr. was the only counsel of record for Defendants to receive an electronic notification of the filing. On January 18, 2024, a representative of Ajamie LLP contacted the Court Clerk to inquire about how Defendants' other counsel—Mr. Chenoweth and myself—could ensure that we receive electronic notifications in this matter as well. The representative was informed that an appearance needed to be filed for each additional attorney desiring to receive notices concerning this lawsuit. As a result, Mr. Chenoweth and I filed our respective Appearance of Counsel as Docket Entry Nos. 11 and 12 on January 18, 2024.
4. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 13, 2024.

By: 

Nicholas E. Petree

Exhibit A-1

Nick Petree

From: Eric Chenoweth
Sent: Tuesday, January 9, 2024 1:40 PM
To: Kristi@hubbardlawpc.com
Cc: Nick Petree; Eric Chenoweth
Subject: High Tech Republic, Inc. d/b/a Webinopoly v. Shopify, Inc., et al, Case No. 4:23-CV-03348

Dear Counsel-

We represent the Shopify Defendants.

We are prepared to file a timely response via Special Appearance to your motion for default judgment. But first we ask that you consider withdrawing it due to the numerous deficiencies we will highlight for the Court, including that you were previously informed that your attempt to serve non-party Shopify (USA), Inc. failed, because the entity you served is not the registered agent for Shopify (USA), Inc. Moreover, as you know, Shopify (USA), Inc. is not even a defendant in your lawsuit. You have not attempted service on any of the named defendants, and you have previously acknowledged to Shopify Inc. you are aware that at least it must be served in Canada, and that you are familiar with the procedures for doing so.

Please let me know by 5 pm today to if you will agree to withdraw your motion. The Shopify Defendants reserve all rights and defenses.

Regards,

Eric

Eric Chenoweth

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